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DEC 19 2007

Ravalli County Commissioners



Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
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planning@ravallcounty.mt.gov

OG-07-12-1251

December 19, 2007

Tom & Charlotte Robak
PO Box 335
Darby, MT 59829

RE: Potential Floodplain Violation – West Fork Bitterroot River
Nez Perce Road, Darby, Sec. 25, T1N, R22W, Ravalli County
Parcel #1037500, Geocode #0968-25-4-01-01-0000

Dear Mr. & Mrs. Robak,

The Ravalli County Planning Department has received complaints from concerned citizens and a state agency about potential floodplain violations on your above named property. While conducting routine site visits this fall, staff from the Department of Natural Resources and Conservation (DNRC) noticed construction of a new house and the placement of fill on your property. Ravalli County staff confirmed the presence of such development on the parcel.

According to the County's adopted floodplain maps, a portion of your property is within the regulatory floodplain and under the jurisdiction of the Ravalli County Floodplain Regulations. Floodplain permits are required for most development within the floodplain; however the building of new houses and the placement of fill are prohibited. It appears that the home under construction may be located within or adjacent to the 100-year floodplain. Since we have researched our records and found no documentation of a floodplain permit issued for any development on your property, we ask that you and your contractors cease and desist any further work on your projects.

The mapped floodplain boundary is used as a guideline to determine if property is within the floodplain, but the exact location of the floodplain boundary is where the 100-year base flood elevation at any given cross-section intersects the natural ground surface. In order to accurately establish the location of the new residence and fill in relation to the 100-year floodplain, we request that you retain a Professional Land Surveyor or Engineer to complete an elevational survey of your property. The resulting map must include:

1. The approximate boundary of the 100-year floodplain as shown on the adopted floodplain maps.
2. The locations and dimensions of the new house, the new or replaced septic system, the garage/carport and any other new or proposed structures.
3. The location and the amount of fill (in cubic yards) placed on the parcel.
4. Detailed survey elevation points and contours of the natural ground surface throughout the entire parcel.

5. The interpolated base flood elevations as determined from the East and West Forks Bitterroot River Floodplain Management Study, October 1998 (also referred to as Flood Insurance Study or FIS).
6. Vertical datum and reference marks used.
7. Signature and certification by a Professional Land Surveyor or Engineer.
8. A completed and certified Elevation Certificate.

A violation of the Floodplain Regulations may constitute a misdemeanor offense, with a maximum penalty of up to 10 days in the county jail and/or fines up to \$100, *for each day of the offense*. §3-16, Ravalli County Floodplain Regulations. Furthermore, any floodplain violations may also constitute and be prosecuted as a public nuisance. §76-5-404, MCA. It is your responsibility to ensure that all permits have been legally obtained and requirements have been met before you proceed with work on your project.

In order to resolve this situation and to ensure compliance with the Floodplain Regulations, the completed elevation certificate and the requested map must be submitted to our office within 30 days of the date of this letter.

We appreciate your immediate attention to this matter.

Respectfully,



Laura Hendrix, CFM
Ravalli County Floodplain Administrator

cc: Correspondence File-General
(P)VLTN-07-05
Karen Hughes, Ravalli County Planning Director (w/out enclosures)
Lea Jordan, Ravalli County Environmental Health Director (w/ map)
Ravalli County Attorney's Office (w/ map)
Ravalli County Commissioners (w/ map)
Traci Sears-Tull, DNRC, Floodplain Management, PO Box 201601, Helena, MT 59620-1601 (w/out enclosures)
Larry Schock, DNRC, Water Resources, PO Box 5004, Missoula, MT 59806 (w/out enclosures)

Enclosures: Floodplain Map
Elevation Certificate



ROBAK TOM & CHARLOTTE

PO BOX 14207

SAN LUIS OBISPO, CA 93406-4207

Physical Address:

Levy District: 9 - 7

School: DARBY SCHOOL

Fire: WEST FORK FIRE

Voter Info: ()

Geocode	T-R-S	Legal Description
0968-25-4-01-01-0000	1-22-25	IN E1-2E1-2E1-2SE INDEX 24 2.33 AC

Legal Description for Parcel No 1037500 »—»

* Discription may be incomplete. Consult the official record.

Green Cross Hatch = Approximate 100-year floodplain

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